

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assignee: Health Hero Network, Inc.

Attorney Docket No: HERO-1-1074

Patent No.: 5,601,435

Reel/Frame No.: 9781/0585

Date of Patent: February 11, 1997

Recordation Date: February 26, 1999



Title: METHOD AND APPARATUS FOR INTERACTIVELY MONITORING A  
PHYSIOLOGICAL CONDITION AND FOR INTERACTIVELY PROVIDING HEALTH  
RELATED INFORMATION

REVOCATION AND POWER OF ATTORNEY

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Health Hero Network, Inc., declares in accordance with 37 C.F.R. 3.73 (b) that it is the owner of the entire right, title, and interest in the above-referenced U.S. Patent, as evidenced by the assignment recorded in the Patent and Trademark Office on February 26, 1999, at Reel 9781, Frame 0585. Health Hero Network, Inc., as the assignee in the present U.S. Patent, hereby revokes all previous powers of attorney given and filed in this U.S. Patent application and hereby appoint(s) the firm of Black, Lowe & Graham<sup>PLLC</sup> and Richard T. Black, Washington State Bar No. 20,899 and PTO Reg. No. 40,514; David A. Lowe, Washington State Bar No. 24,453 and PTO Reg. No. 39,281; Lawrence D. Graham, Washington State Bar No. 25,402 and PTO Reg. No. 40,001; and Michael S. Smith, Reg. No. 39, 563; as its attorneys with full power of substitution and revocation to prosecute this U.S. Patent application to issuance, and to transact all business in the United States Patent and Trademark Office connected therewith and to receive the Letters Patent.

Please address all further correspondence relating to this application to:

Michael S. Smith  
Black Lowe & Graham<sup>PLLC</sup>  
816 Second Avenue  
Seattle, Washington 98104

The undersigned is empowered to sign this statement on behalf of the assignee.

Date

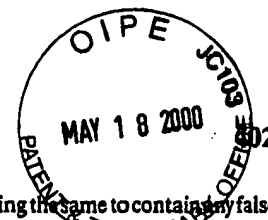
April 7, 2000

Name  
Title

Stephen J. Brown  
CEO

RECEIVED  
JUN - 2 2000  
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# REPRESENTATIVE OF INVENTOR OR OWNER



calling the Office of Enrollment and Discipline at (703) 306-4097; or, through the Patent Assistance Center toll free number, 1(800)786-9199.

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This form paragraph is to be used **ONLY** after ensuring that the named representative is not registered with the Office. A PALM inquiry should be first made and if no listing is given, the Office of Enrollment and Discipline should be contacted to determine the current "recognition" status of the individual named by the applicant in a "power of attorney." If the named individual is **NOT** registered or otherwise recognized by the Office, the correspondence address on the face of the file should be promptly changed to that of the first named inventor unless applicant specifically provides a different "correspondence address." A copy of the Office communication incorporating this form paragraph should also be mailed to the unregistered individual named by the applicant in the "power of attorney." If desired, you may include with your communication, a list of the registered practitioners from applicant's zip code copied from the above noted publication which should be available in the Director's Office.

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## **37 CFR 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.**

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or

uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

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(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

37 CFR 10.18(a) emphasizes that every paper filed by a practitioner must be personally signed by the practitioner, except those required to be signed by the applicant or party. 37 CFR 10.18(b) provides that, by presenting any paper to the Office, the party presenting such paper (whether a practitioner or nonpractitioner) is: (1) certifying that the statements made therein are subject to the declaration clause of 37 CFR 1.68; and (2) making the certifications required for papers filed in a federal court under Rule 11(b) of the Federal Rules of Civil Procedure. See MPEP § 410. 37 CFR 10.18(d) provides that any practitioner violating the provisions of 37 CFR 10.18 may also be subject to disciplinary action (see 37 CFR 10.23(c)(15)), thus clarifying that a practitioner may be subject to disciplinary action in lieu of, or in addition to, the sanctions set forth in 37 CFR 10.18(c)